



**TOWN OF HARPSWELL
PLANNING BOARD MINUTES
FEBRUARY 16, 2005
Approved March 16, 2005**

MEMBERS PRESENT

Sam Alexander, Chairman
John Papacosma, Vice Chairman
Dorothy Carrier
Joanne Rogers
Henry Korsiak

MEMBERS ABSENT

STAFF PRESENT

Jay Chace, Planner
Marsha Hinton, Recording Secretary

The Town of Harpswell Planning Board meeting being duly advertised in the Times Record was called to order at 6:30 p.m. by Sam Alexander, Chairman.

Minutes of January 19, 2005

JOANNE ROGERS MOVED, SECONDED BY DOROTHY CARRIER TO ACCEPT THE MINUTES AS PRINTED.

UNANIMOUS APPROVAL

Sam Alexander, Chair, reviewed the February 14, 2005 site visit attended by Dorothy Carrier, John Papacosma, Joanne Rogers, Sam Alexander and Jay Chace.

Howard Nannen, Chair of the Comprehensive Plan Committee, briefed the Planning Board on the upcoming public hearings and encouraged the Planning Board members to attend.

Dorothy Carrier stated that after the meeting last month, she would like to reopen the BBI Builder's application to add language to the motion to ensure that the proposed structure will only be two bedrooms.

The Planning Board held discussion on Ms. Carrier's recommendation and the fact that there are two family rooms proposed for this structure.

DOROTHY CARRIER MOVED, SECONDED BY JOANNE ROGERS TO RECONSIDER THE BBI BUILDER'S APPLICATION.

UNANIMOUS APPROVAL

DOROTHY CARRIER MOVED, SECONDED BY JOANNE ROGERS TO TABLE THE RECONSIDERATION OF THE BBI BUILDER'S APPLICATION UNTIL THE MARCH 2005 PLANNING BOARD MEETING.

UNANIMOUS APPROVAL

The Planning Board was polled and decided to rearrange the order of the agenda items hearing Other Business Item One first.

OTHER BUSINESS

ITEM 1

REVIEW CODES ENFORCEMENT OFFICER MINOR SITE PLAN AMENDMENT APPROVAL FOR BAILEY ISLAND LOBSTER COMPANY, MAP 22, LOT 50-1, PROPOSED BAIT RACK AND WHARF EXTENSION.

Jay Chace, Town Planner described the process which brought this agenda item before the Planning Board. Mr. Chace added that the Codes Enforcement Officer considers this to be a minor change to the site plan.

Joanne Rogers stated that because she is an abutter, she will abstain from consideration of this matter.

Joanne Rogers, abutter, stated that she has signed after the fact that the wharf extension was closer to the property line than allowed. Ms. Rogers asked that the building permit be conditioned upon the completion of the fence between the two properties, erosion control measures, and an appropriate timeline being set for completion.

The Planning Board held discussion on the process involved in review of a minor site plan, the difficulty involved with making a decision without a site plan, and erosion control.

SAM ALEXANDER MOVED, SECONDED BY HENRY KORSIK THAT THE PLANNING BOARD WILL NOT REVIEW THIS AGENDA ITEM AS A SITE PLAN REVIEW AMENDMENT AND WILL SEND IT BACK TO THE CODES ENFORCEMENT OFFICE AND THAT THIS IS NOT A STAMP OF APPROVAL FROM THE PLANNING BOARD.

**FOUR FOR (DOROTHY CARRIER, SAM ALEXANDER, JOHN PAPACOSMA, HENRY KORSIK)
ONE ABSTAINED (JOANNE ROGERS)**

OLD BUSINESS

No old business.

NEW BUSINESS

ITEM 1

05-02-01 PETER A. PAIGE, RECONSTRUCTION OF NON-CONFORMING STRUCTURE, SHORELAND RESIDENTIAL, TAX MAP 52-136, LAUREL SHORE DRIVE, HARPSWELL.

Peter Paige, applicant, described his proposal to put a foundation under the home. Mr. Paige directed the Board's attention to items shown on the sketches provided.

The Planning Board held discussion on setbacks, Sections 10.3.1 and 10.3.2 of the Shoreland Zoning Ordinance, and constraints on relocating the structure to the greatest practical extent.

Jay Chace, Town Planner, explained Section 10.3.1.1 of the Shoreland Zoning Ordinance.

SAM ALEXANDER MOVED, SECONDED BY JOANNE ROGERS TO FIND THAT THE APPLICATION BY PETER A. PAIGE FOR RECONSTRUCTION OF NON-CONFORMING STRUCTURE, TAX MAP 52-136, LAUREL SHORE DRIVE, HARPSWELL, MEETS THE INTENT OF THE REQUIREMENTS OF THE ORDINANCE TO THE GREATEST PRACTICAL EXTENT.

ONE FOR (SAM ALEXANDER)

FOUR OPPOSED (JOHN PAPACOSMA, DOROTHY CARRIER, JOANNE ROGERS, AND HENRY KORSIK)

Sam Alexander opened the floor to members of the public who wished to speak.

Mrs. Ford stated that she felt Mr. and Mrs. Paige were great additions to the community and would maintain this property in keeping with the community character.

Mr. Ford stated that no matter how the home was moved it would still be in the setback area.

The Planning Board held discussion on meeting the requirement of greatest practical extent, Planning Board consistency, the requirements of the ordinances, and the definition of foundation.

JOANNE ROGERS MOVED, SECONDED BY DOROTHY CARRIER THAT THE STRUCTURE DOES NOT MEET THE SETBACK REQUIREMENTS TO THE GREATEST PRACTICAL EXTENT AS THERE IS SPACE WITH IN THE LOT AND RIGHT-OF-WAY FOR THE STRUCTURE TO BE MOVED WITHIN THE 75' SETBACK EVEN THOUGH A PORTION WOULD STILL BE WITHIN THE 75' SETBACK.

**FOUR FOR (HENRY KORSIAK, JOANNE ROGERS, JOHN PAPACOSMA, AND DOROTHY CARRIER)
ONE OPPOSED (SAM ALEXANDER)**

ITEM 2

05-02-02 REBECCA L. SARNA, RECONSTRUCTION OF NON-CONFORMING STRUCTURE, SHORELAND RESIDENTIAL, TAX MAP 2-44, WALINI WAY, HARPSWELL.

Rebecca Sarna described her proposal to remove a porch, shed and a roof. Ms. Sarna stated that she is in disagreement with the Codes Enforcement Officer's assessment that these repairs would exceed 50% of the value of the home. Ms. Sarna explained how outside appraisers arrived at their market valuations.

Jay Chace provided the Planning Board with a packet of materials containing information from the Codes Enforcement Office and appraiser's reports provided by Ms. Sarna.

The Planning Board discussed the 50% threshold, the outside appraisals, consistency in Planning Board decisions, constraints of the ordinances, erosion potential, septic, and the source of the outside appraiser's data.

Ms. Sarna stated she did not agree with the Planning Board's interpretation of the ordinance.

JOHN PAPACOSMA MOVED, SECONDED BY DOROTHY CARRIER THAT THE PLANNING BOARD HAS DETERMINED THAT THE PROPOSAL WILL EXCEED 50% OF THE MARKET VALUE OF THE STRUCTURE AND THEREFORE REQUIRES THE PLANNING BOARD TO LOOK AT THE ORDINANCES IN TERMS OF RELOCATING THE STRUCTURE TO A MORE CONFORMING AREA AND THAT THE PLANNING BOARD SHOULD PROCEED IN THAT VEIN TO SEE IF IT CAN OR CAN NOT BE MOVED BASED ON THE ORDINANCE REQUIREMENTS.

UNANIMOUS APPROVAL

The Planning Board discussed Sections 10.3.1 and 10.3.2 of the Shoreland Zoning Ordinance, meeting the setbacks to the greatest practical extent, the existing and proposed sketch plan, and the unique characteristics of the lot.

DOROTHY CARRIER MOVED, SECONDED BY HENRY KORSIAK TO FIND THAT THE APPLICANT DOES NOT MEET THE REQUIREMENTS IN SECTION 10.3.2.2 WITH REGARD TO COMPLIANCE WITH THE SETBACK REQUIREMENT TO THE GREATEST PRACTICAL EXTENT AS IT HAS BEEN DETERMINED THAT THE BUILDING CAN BE MOVED.

UNANIMOUS APPROVAL

JOANNE ROGERS MOVED, SECONDED BY JOHN PAPACOSMA TO FIND THAT BECAUSE OF THE PREVIOUS REASONS THE APPLICATION HAS BEEN DENIED.

UNANIMOUS APPROVAL

Rebecca Sarna stated that market value is defined by law and the state of Maine licenses real estate appraisers to determine these values. Ms. Sarna added that she believes the proposal does not exceed 50% of market value as stated in the ordinance. Ms. Sarna believes the Planning Board has been interpreting this provision incorrectly.

Sam Alexander, Chair, referred Ms. Sarna to the Codes Enforcement Office and Town Planner.

OTHER BUSINESS

Sam Alexander, Chair, invited Harpswell citizens to attend the public hearing on ordinance amendments that will be held February 23 at 7:00 p.m. at the Harpswell Islands School.

There being no other business before the Planning Board, **SAM ALEXANDER MOVED, SECONDED BY JOANNE ROGERS TO ADJOURN.**

Meeting adjourned at 9:10 p.m.

Respectfully Submitted,

Marsha M. Hinton
Planning Assistant